IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 364 of 1999

Between:

G.Jonathan s/o.G.John, aged about 44 years,

Now working as Assistant Grade-II (General) Regional Office,Food Corporation of India, Hyderabad, Resident of Hyderbad.

..... PETITIONER

AND

1.Food Corporation of India,

New Delhi, represented by its Managing Director, New Delhi.

2.Senior Regional Manager,

Food Corporation of India,

Haca Bhavan, Opp:Public Gardens,Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue order, direction or Writ, more particularly one in the nature of a Writ of Mandamus, declaring that portion of the amendment carried out to Appendix-I of the Food Corporation of India (Staff Regulations 1971) relating to the post of Joint

Manager/Deputy Manager in the General Administration Cadre, in particular, with regard to the prescription of age for direct recruitment through notification No.78 dated 14th October,1998, as bad in law and consequently, direct the respondents to consider the case of the petitioner for direct recruitment to the post of Joint Manager and Deputy Manager in the General Administration Cadre.

Counsel for the Petitioner:MR.NUTY RAM MOHAN RAO

Counsel for the Respondents.: MR.B.ANJANEYULU

The Court made the following :

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ORDER:

This writ petition is filed seeking a Mandamus declaring the portion of the amendment carried out to Appendix-I of the Food Corporation of India (Staff Regulations 1971) relating to the post of Joint Manager/Deputy Manager in the General Administration Cadre, in particular, with regard to the prescription of age for direct recruitment through notification No.78 dated 14.10.1998 as arbitrary and illegal.

At the time of admission of writ petition, there was an interim direction to the respondents to permit the petitioner to appear for the written test slated to be conducted on 17-1-1999 for the post of Joint Manager (General Administration), pending writ petition.

In the additional counter filed by the respondents, it is stated that the writ petitioner was permitted to sit for the examination and he secured only 115 marks in the written test out of 270 marks which is less than 50% of the cut off level maintained for considering the candidates for interview. The last candidate called for the interview for the post of Deputy Manager (General) has secured 184 marks and the last candidate for the post of Joint Manager has secured 164 marks.

In view of the above, there is no necessity of going into all other details since the petitioner has not been qualified even after he was permitted to sit for the examination. Therefore, the cause in the writ petition does not survive and is liable

to be dismissed.

The writ petition is, accordingly, dismissed. No order as to costs..

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C.V.RAMULU, J28-06-2005

Stp

To:

1.The Managing Director,,Food Corporation of India,

New Delhi.

2.Senior Regional Manager,

Food Corporation of India,

Haca Bhavan, Opp:Public Gardens,Hyderabad

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